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January 17, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Notice of Ex Parte Communication, WC Docket Nos. 10-90,
14-58 and 14-259

Dear Secretary Dortch:

New York State, through its chief economic development agency, Empire State Development (“ESD”), writes in response to the letter submitted January 13 in the above-referenced proceedings by the American Cable Association (“ACA”).¹

In its submission, ACA expressed support for New York’s pending Petition for Expedited Waiver (“Petition”) of certain Connect America Fund (“CAF”) rules. ACA agrees with New York that grant of the waiver would enable the deployment of broadband networks that are better, faster, and cheaper than those available under the CAF program alone. While ACA previously raised concerns with New York’s proposal, it now favors rapid grant of the Petition as it “better appreciates the timing and funding challenges presented by the overlapping New York and CAF auction processes.”

¹ See American Cable Association, Notice of *Ex Parte* Communication, WC Docket 10-90 (filed January 13, 2017) (“ACA January 13 Letter”).

New York appreciates ACA's recognition of the many public interest benefits that granting of the Petition will bring. ACA's support for New York's request is significant given that its members operate in small and rural markets across the country and deeply understand the many challenges providers face in deploying broadband networks in these markets. ACA clearly recognizes that the coordination of federal and New York state broadband funding made possible through the waiver would help to overcome these challenges and ensure that unserved communities in New York receive broadband. ACA's support is also noteworthy as it further supplements the growing list of stakeholders who have endorsed New York's Petition. These include nationwide and regional carriers such as Verizon and FairPoint, as well as many smaller incumbent and competitive providers operating in the State. All of these supporters have agreed that good cause exists to grant the waiver and that expeditious approval would greatly facilitate the shared goal of deploying high-speed broadband networks to unserved communities throughout the State.

New York believes the Commission should adopt policies that accommodate state-driven approaches to broadband funding.² While New York's immediate focus is the grant of its Petition, the five principles proposed by ACA in its submission offer a sensible approach for Commission rules.³ The Commission should adopt these principles as standards in rules for coordination between state broadband initiatives and Phase II of the CAF program. This approach, which the New York program generally satisfies, would lead to broadband networks that are better, faster, and cheaper than those available under the CAF program.

Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

John M. Beahn

Counsel to Empire State Development

² See New York State, Notice of *Ex Parte* Communication, WC Dockets 10-90, 14-58 and 14-259 (filed March 25, 2016).

³ See ACA January 13 Letter at 2.